THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.13541 OF 2007

Dated 28-06-2007

Between:
M/s Andhra Fules Private Limited …Petitioner

And

The Commercial Tax Officer
And two others …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.13541 OF 2007

Heard learned counsel for the parties. With their consent, the writ petition is being disposed of at this stage.

The grievance of the petitioner is that pending disposal of the appeal by the Sales Tax Appellate Tribunal, the first respondent is taking coercive steps for recovery of the disputed tax.

We have gone through the record and heard learned counsel for the parties. We feel that the interest of justice would be met if stay of recovery of disputed tax is granted, pending disposal of the appeal by the Tribunal, subject to deposit of 50 per cent of the disputed tax by the petitioner. Therefore, we direct that

50 per cent of the disputed tax shall be paid by the petitioner, within a period of four weeks. For four weeks, there shall be an unconditional stay of recovery and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. However, if the petitioner has already paid any amount towards the disputed tax, while calculating the 50 per cent amount, the amount already paid by the petitioner shall be given credit to.

The writ petition is accordingly disposed of. No order as to costs.

_____

(Bilal Nazki, J)

Dated 28th June, 2007

_____

(S.Ananda Reddy, J)

_
vrn